

ARC Response to HMWP Partial Update Proposed Modifications Consultation Response

11th February, 2026

Submitted online to hmwp.consult@hants.gov.uk

Dear Sir/Madam,

ARC have responded to previous consultations for the Hampshire Minerals and Waste Plan. I hope you find our comments useful though please contact us if any further information or clarification could be of assistance.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM2 Vision. Para 2.26

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We welcome the commitment to **strategic ecological networks**, required to comply with Biodiversity, NNPF, LNRS and NRN.

However BNG must be accurate and evidence based. The Plan has provided no evidence of heather restoration or at “high quality” using silt/clay. NE and NGOs have already indicated that only “poor quality” can be considered for heath restorations using clay and silt. Inflating estimated outcomes is not sound.

The continued acceptance of failed/flawed heath restoration techniques can only guarantee further poor-failed quality restorations which fails against this Plans objectives.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

The Plan should provide the baseline evidence of previous heather restorations and via the different methods of restoration to provide accurate expected BNG and confidence of outcomes e.g. failed, poor, high quality.

Improved methods of restoration guaranteeing high quality heath restoration need to be provided.

Additional local BNG guidance may be required to ensure that BNG is accurate and e.g. does not include 3rd party restorations.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM4 Policy 1 / Para. 3.2, 3.3, 3.6 & 3.14

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We support the modifications particularly the clarification that cumulative impact should include *previous* minerals development. Biodiversity losses resulting from poor-failed minerals restoration within both FDP landscapes have ensured net loss of heath habitat (actual and potential) in terms of extent, quality, connectivity and function and similar reduced potential of many heathland species to remain viable.

However, whilst recognising previous impacts there remains no detailed plan to resolve current impacts. Continuation of new applications within the FDP landscapes using flawed restoration techniques will only continue negative in combination impacts.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

The Plan should identify, detail and resolve negative impacts, flawed restoration techniques prior to any further potential application consideration within both FDP landscapes.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM5 Policy 2 / Para. 4.6 (footnote), 4.8, 4.9 & 4.10

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We support the modifications particularly; the reference to Soils, reduction in use of primary aggregate and the commitment to deliver strategic scale coherent ecological networks.

However, the Plan has, in part, compromised delivery of the strategic Open Habitats ecological network delivery identified within both FDP landscapes.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

Where applications continue to advocate no avoidance key irreplaceable agreed landscape networks designed to deliver e.g. NRN, FCS, etc and where the known outcome of restoration will fail the Plan should not continue to support and advocate such applications e.g. Purple Haze.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM6 Policy 3 / Para. 4.15 (footnote), 4.19, 4.22, 4.23, 4.25, 4.27, 4.28, 4.29 & 4.30-4.32

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

i) We welcome the changes to the Policy and the supporting paragraphs. This provides some clarity to comply with legislation e.g. to deliver coherent strategic ecological networks, national and county importance of some species (e.g. Annex 1 birds and reptiles, other rare and scarce species and LNRS species) and a commitment to deliver habitat restoration in previously agreed plans (such as Forest Plans).

ii) However, we suggest changes (underlined) to the following paragraphs to include;

4.23. As a priority, such habitats should be maintained and included within the design of development unless it is deemed that those measures such as guaranteed and effective mitigation or compensation are suitable..." "Where relevant consideration and alignment to any local strategies or management plans, such as Forest Plans and local biodiversity is required.

4.25. "Heathland restoration within FDP landscapes requires management in perpetuity to retain in favourable condition"

iii) Policy 3. We suggest including a new para 4b to indicate obligations to functionally linked land to Habitat Sites. As per NE response (2023) this includes Annex 1 Birds that are the basis of the Dorset Heathland SPA.

Functional linkages are also possible between application sites and the Dorset Heaths SAC concerning typical species of the SAC e.g. reptile and invertebrates, which also need to be prior assessed.

iv) Policy 3. Para 4b

Concerning "Irreplaceable habitats".

NE response 2023 in reference to Purple Haze states "*We consider the wet heath and wet/heath mire transitions within the application site should be viewed as irreplaceable habitat". "Drier heathland within the application site could also come into the same category because of the biodiversity it supports. NPPF (180) states that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional circumstances and a suitable compensation strategy exists". Neither of which has been provided.*

The lack of the Plans evidence for any dry heath restoration (using silt/clay) that is high quality and can support typical species clearly fulfils its inclusion as irreplaceable within this Plan i.e. NPPF "technically very difficult to restore, recreate or replace once destroyed". As such the precautionary principle applies and dry heath needs to be clearly included within the Plan as irreplaceable.

iv) We support the condition that "*Any required compensation should be able to be secured prior to harmful impacts arising*". This is essential to ensure delivery of BNG

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

Add to 4.23. ...guaranteed and effective mitigation or compensation....

Add to para 4.25: Heathland restoration within e.g. FDP landscapes require management in perpetuity.

New para 4b to indicate obligations to land that could be functionally linked to both the SPA and SAC, to include SPA Annex 1 birds and typical SAC species respectively.

Amend para 4b of Policy 3 e.g. irreplaceable habitats to include wet, mire and dry heath.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM12 Policy 9 / Para. 4.92 & 4.96

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We welcome the additional detail provided of how soil restoration, including soil profiles, will be achieved both for high quality agricultural soils and specialist habitat restoration such as heathland.

4.96. We recommend additional text for clarity as e.g. clay, silt and waste can nullify the chance of heathland restoration, fails to provide habitat, species opportunities, does not deliver against agreed BNG targets and can damage adjacent habitats permanently.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

4.96. We would suggest alteration to; "Careful consideration of the soil profile (including the substrate), and the reuse of existing soils, and the potential use of waste products such as silt or clay, particularly where heathland is creation is proposed, is critical to successful delivery of restoration objectives..". Where heathland restoration is proposed the potential use of waste products such as silt or clay should be avoided or minimised as it can fail to provide necessary conditions for heather, cannot deliver "high quality" and damage adjacent habitats.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM13 Policy 10 /Para 4.103-5, 4.108-9 & 4.116

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Policy 10. We support the changes to Policy 10. However, 10 1e has to be specific and include timescales of completion to ensure no net loss of biodiversity both from the outset and at each phase of the development. Possible delivery of 10% BNG in c30 years' time will not halt biodiversity and may not be recoverable. We estimate that that c.17% of The Ringwood Forest Biodiversity Opportunity Area (HBIC, 2010) area is currently within active/completed mineral sites. The failed and delayed heathland restorations equate to net biodiversity loss and have not been resolved.

Para 4.103 indicates "... *subject to its financial viability...*" Please remove, this is contrary to legislation and a clear loophole to avoid meeting ecological requirements/commitments. It's a common tactic for developers and mineral operators to avoid responsibility for restoration and maintenance.

Para 4.108. Please adapt "*habitats such as heathland..*". Wet, mire, and dry heath are irreplaceable, as defined by NPPF and NE (2023)

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible.

Policy 10. Ensure no net loss of biodiversity from the outset of a development, during each phase and that completion is guaranteed.

Para 4.103 Remove "...subject to financial viability.."

Para 4.108. Suggest alter to "*lowland heath is difficult to recreate, regarded as irreplaceable and requires management in perpetuity*".

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM23 Policy 20. 2.

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

There has been no plan provided or timeline to resolve the adjacent failed, poor quality or delayed restorations (e.g. Blue Haze, Somerley), non-compliance with management plans, management by listed threat to heath and its species (intensive grazing), habitat enrichment to adjacent heath via silt, loss/decline and removal of EPS reptiles as no habitat management occurred on the agreed reptile relocation site.

No evidence of heather restoration has been provided or of high quality. The known outcome is poor-failed, which is insufficient to retain heather or its typical species, therefore non-delivery against e.g. BNG targets. The restoration technique (silt/clay) has failed and there are no specifics provided of any new improved method, no trials, and therefore no guarantee of high quality outcomes. The restorations have not delivered any habitat that can support e.g. EPS reptiles since 1994 and therefore remains non-compliant with the Plan, Habitats Regulations, EPS and FCS.

Therefore, it is wholly unsafe to propose further applications within both FDP landscapes until multiple issues have been resolved. The Plan is currently advocating additional known in combination impacts, at site and landscape level, which could be vulnerable to assessment under the Environmental Damage Regulations e.g. damage to protected species and habitats.

Evidence indicates that development of Purple Haze will not comply with Development Considerations; the heathland habitat is irreplaceable, it will not meet the conservation objectives of SAC/SPA, will have a major negative impact on EPS reptiles contrary to Regulation 9 of the Conservation of Habitats and Species Regulations (2017).

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

The Plan is required to restore failed and poor quality restorations ensuring the agreed high quality outcomes that are proven to support heather and its species. Remove the Purple Haze application from the Plan. NE are obliged to consider the "site" as SSSI (or extension) for sand lizard, smooth snake, invertebrate assemblage and coral necklace. FE are obliged to deliver the agreed heather restoration (FDP, 2009) irrespective of this application, i.e. as it is defined to deliver the agreed habitat restoration to ensure sand lizard FCS. The Ecologist is required to remove refugia (for reptile survey), there is significant public disturbance to EPS (potential collection, persecution) which is not complaint with NE Licence conditions.

Main, Additional, and/or Policies Map Modification(s) that you are responding to:

MM43 Appendix A Purple Haze

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

i) Existing Land Use. The revised description of the existing land use recognises that this is heathland overplanted with conifer. Sound.

ii) Total Mineral Resource. **Unsound**. The statement on the available resource is not clear. The extra focussed hearing identified that, in the absence of further hydrology related data, only the proposed phases 15-20 were unlikely to affect the hydrology of Ebblake Bog. However, extraction from this area could also impact on the Moors River System SSSI. Compliance with the Water Framework Directive is required.

iii) Restoration. Sound. We agree with the revised summary. This area is heathland with conifers. The FDP (2009) has indicated much of this area will be restored by FE to Open Habitats (heath) to deliver landscape level ecological networks that support the SAC/SPA/SSSI, priority habitat and multiple EPS and typical species.

iv) Development considerations:

1. The location of the site on the Hampshire/Dorset border and the need to consider the potential for impacts beyond the Plan boundary.

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We consider the wording to be sound. However, this application has not recognised this obligation and remains committed to e.g. destruction of the ecological network defined and programmed within FEs FDP, 2009. This network supports critical irreplaceable habitat for this species. Its loss would cause the decline and then loss of the e.g. interconnected and interdependent sub-populations of sand lizard both within the "site" and from the adjacent Dorset landscape. As this site allocation has been retained within the Plan we consider it is unsound.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We have been told by HCC that the current application will be determined under the existing Plan and suggest "remove this allocation from the Plan."

2. Ensure no significant adverse impact on the integrity of the Dorset Heathlands SAC, Dorset Heathlands SPA and Ramsar, Avon valley SPA and Ramsar and the River Avon SAC (and the New Forest SAC/SPA/Ramsar) in relation to recreational disturbance.

2. Sound. It is essential that displacement of informal recreation is avoided onto these areas.

3. Ensure no significant adverse impact on the offsite roosting, foraging and breeding areas of the qualifying bird species of the nearby SPA/Ramsars, and on their functional linkage

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Whilst we welcome the acknowledgement of the functional linkage of the site with the SPA, it fails to recognise the site (in isolation) is part of the core ecological network.

This consideration is not explicit enough to clarify how it will comply with legislation of case law (e.g. Rufford). It also does not comply with e.g. Reg 9a of the Habitats Regulations requiring LPAs to e.g. avoid deterioration of wild bird habitat, this is a material consideration.

Absolute certainty is required that the development would not harm the integrity of the area used by qualifying species. The conservation objectives for the SPA require “*maintaining the structure, function, and supporting processes of the habitats used by qualifying species, including off-site feeding and roosting areas*”.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We would defer to RSPB and NE though suggest altering to indicate “Ensure the conservation objectives of the SPAs are met by maintaining the structure, function and supporting processes of the habitats used by qualifying species. This includes off-site breeding, feeding and roosting areas”.

Development consideration (potential new 4). We would recommend inclusion of a new Development Consideration (a new 4) to include “Ensure that no significant adverse impact on typical species e.g. reptiles, invertebrates, etc that are functionally linked to the SAC”.

We would defer to NE though indicate that further clarity is required concerning functionally linked e.g. Regulation 9 of the Habitats and species Regulations, SAC conservation objectives, improving the ecological coherence of the national sites network i.e. the heath/wooded heath ecological network as specified within the FDP, 2009 ecological, EPS and their FCS, etc.

The ecologist’s reptile report has already indicated that smooth snake range within the “site” can cover up to c. 1km. Sand lizard sub-populations are interconnected and interdependent both within the “site” and the adjacent landscape.

4. Hydrological/hydrogeological, hydrochemical and ecohydrological assessments are required to determine the risk and appropriate protection of nearby National Site Network Sites, Ramsars and SSSIs. This includes the issue of nutrient enrichment, and including the protection of the water quality and recharge of the underlying aquifer, groundwater and surface water and safeguarding the hydrological/ecohydrological regimes of Ebblake Bog and Moors River System Sites of Scientific Interest potentially through the limiting or exclusion of extraction in the north of the site*

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

4. Unsound. We defer to and support comments by NE, EA and EDEP. We would indicate that the extra focussed EIP hearing on this potential allocation identified that in:

“the absence of further hydrology related data it was unsafe to assume anything more than the very southernmost part of the site might be suitable for mineral extraction if impact on the hydrology of Ebblake Bog is to be avoided”.

The modification ... **potentially through the limiting or exclusion of extraction in the north of the site** is prescriptive, and pre-empting the findings of the additional specified assessments of impact on both Ebblake Bog and the Moors River system. The further work has to demonstrate that there will be no harm.

As part of the planning application it was established that there would be no extraction below the water table and this is re-iterated in para 2.16 of the latest HCC/NE SoCG. This requirement should be included in the Development Considerations. To remove uncertainty, we recommend specifying the depth of mineral resource that should be retained above the highest watertable (with allowances for climate change) to ensure no hydrological changes.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We suggest:

Amend the final sentence to read "potentially through the limiting or excluding the areas of extraction in the north of the site".

Add "Mineral extraction will only take place above the highest water table level (including an allowance for climate change) leaving in situ an adequate and proven depth of dry sand and gravel to preclude hydrological changes and support habitat restoration objectives".

5. "Protection of populations and conservation status of rare and notable species including smooth snake, sand lizard and coral necklace."

1 .Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Unsound. The wording is insufficient. To comply with Habitats Regulations, EPS and FCS this requires alteration, we suggest to "Protect and enhance conservation status of rare and notifiable species.." Conservation status is not just about population it applies to the combined assessment of a species range, population, habitat, etc. This Plan has failed to deliver any suitable habitat.

The actions of the Plan also do not legally comply with Habitats Regulations e.g. for EPS reptiles or their FCS.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

Halt further applications within both FDP landscapes to prevent further negative in combination impacts. Any continuation of approving applications using failed restoration methods prior to resolving previous, ongoing and potential in combination impacts would indicate intent to cause further environmental damage, which could require consideration under the Environmental Damage Regulations. In the e.g. East Dorset FDP area it is unsafe to consider further applications until:

- The Plan has provided no heath habitat within the FDP via silt/slay restoration that can support the habitat or its typical species, this has negatively impacted c. 10% of the BOAC i.e. permanent net biodiversity loss. To comply with legislation the failed, poor quality and delayed heather restorations at e.g. Blue Haze and Somerley have to be restored to the required high quality, with proven use by heathland species and delivered against the appropriate BNG requirements.
- Delivered the agreed management (Atkins, 2005) and habitat condition to support the habitat and its species and removed damaging management i.e. intensive grazing, a listed threat to the habitat and its species.
- Restored ecologically functioning connectivity from the Blue Haze Reptile Relocation Site to Hollow Lodge.
- Restored sand lizard to the Reptile Relocation Site, and secured management. Assessed if smooth snake is still viable, there has been no agreed management until recently.
- Stopped silt enrichment and recovered the priority habitat at Hollow Lodge.
- Provide the Plans detailed method and unequivocal evidence of high quality dry heath restoration and its delivery against its targets.

In terms of Purple Haze:

- The current application has failed multiple legalisation requirements and should be removed from this Plan

In terms of reptiles:

- Any application must avoid the agreed and mapped FDP (2009) heather restoration. This was designed to connect and enhance the sand lizard sub-populations within and adjacent to the site i.e. deliver Favourable

Conservation Status. Destruction of this area and the sandy track will cause the total loss of the meta-population within both Hampshire and Dorset as these sub-populations are both interconnected and interdependent.

- The FDP Open Habitats heath restoration within the site must be delivered immediately, by FE, to prevent further decline of both EPS reptiles, irrespective of this application.
- The site has to be considered for SSSI inclusion for sand lizard, smooth snake, invertebrate assemblage and coral necklace.
- The disruption of Open Habitats delivery, in part due to this Plan, throughout this landscape must be resolved, the agreed restoration must be delivered against its deadlines and prior to any further potential allocation assessment.
- The Plan must consider all heath (wet, humid and dry) as irreplaceable.
- The Plan must provide its evidence of heather restoration, at “high quality”, with proven use by typical species, and how it has delivered against its BNG requirements.
- Any application must determine its BNG values against evidence of adjacent outcomes i.e. “poor quality” and remove any 3rd party restorations (FE).
- The ecologist is required to move the current refugia (reptile survey sheets) that continue to be disturbed by the public. This is not compliant with NE Licence obligations and damaging to all reptile species e.g. disturbance, collection, persecution.
- The application has not undertaken reptile “population” monitoring throughout the site or adjacent habitats, and therefore insufficient to provide a true population count.
- Population estimate has only been undertaken within the site and against limited reptile habitat criteria. Jofre *et al*, (Forest Ecology & Management, 362, 2016) indicated the range of reptile population use throughout the heath-woodland cycle, this includes open heath, dense young pine and thinned mature pine.
- However, the current population estimates indicate 100s-1000s of reptiles could be present only within the “site” and doesn’t consider other reptiles or their movement between the site and the adjacent landscape. Translocation of the estimated number of reptiles, 100s-1000s, into an isolated receptor site of <1 ha, where the species are already present does not comply with Habitat Regulations, EPS reptile welfare, or FCS within this landscape. With the known failure of restoration and wrong sequence of restoration (reptiles require south facing aspects) these animals would be trapped and isolated for over 30 years (starve, fight, cannibalise). As such we consider it would be difficult for NE to consider a translocation licence, not least as the adjacent Blue Haze translocation ensured net loss of sand lizard, removal of smooth snake (welfare), and the ongoing decline of reptiles at the Reptile Relocation Site as the agreed management has only just occurred and is far to late.

6. Mitigate the impact on Ringwood Forest and Home Wood SINC, ensuring that temporary and long-term impacts to habitats and are compensated are required.

1 .Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Not legal and unsound. The Plans failed method of restoration (using silt/clay) causes the permanent loss of soil characteristics that are critical for high quality heather restoration and species recovery.

To comply with the mitigation hierarchy the Plan is required avoid, minimise, mitigate and as last resort compensate. This requires prior agreement between NE and FE as it is not just these locations, it is impact throughout the FDP, and disruption to FEs agreed Open Habitats delivery, impacts to SAC, SPA, NRN, EPS, FCS delivery and typical species. This requires an updated and agreed FDP, prior to further potential allocation assessment. There is a clear requirement to avoid.

HCC/NE SoCG confirms that “*We consider the wet heath and wet/heath mire transitions within the application site should be viewed as irreplaceable habitat*”. “*Drier heathland within the application site could also come into the same category because of the biodiversity it supports. NPPF (180) states that development resulting in the loss or*

deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional circumstances and a suitable compensation strategy exists". As the Plan has provided no evidence of high quality heath restoration, there is a clear requirement to avoid.

We estimate that c.17% of The Ringwood Forest Biodiversity Opportunity Area (HBIC, 2010) area is currently within active/completed mineral sites. The failed, poor quality and delayed heathland restorations equate to significant landscape level net biodiversity loss, which maybe permanent and has not been rectified. Therefore compensatory options cannot be considered, the FPD landscapes are generally the only remaining viable options for lowland heath restoration.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We suggest amending to "avoid and minimise impact on Ringwood Forest, Home Wood SNCI, Forest Design Plan Open Habitats and ecological networks, ensuring that irreplaceable habitats are avoided, temporary and long term impacts to habitats and ecological networks are mitigated. Compensation is a last resort and cannot be considered within the FDP landscapes".

7. Restoration must include habitats creation to compensate for habitats lost from within the development footprint, expand expansion of those within the designated sites and relate to the wider landscape and enhance ecological networks including those within the Forest Plan.

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Not legally compliant and unsound. Restoration schemes must adhere to mitigation hierarchy i.e. avoid, minimise, mitigate then as last resort compensate.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We suggest alteration to "Restoration schemes where possible must avoid and minimise impacts, retaining irreplaceable habitats and ecological networks. As a last resort restoration schemes must include proven high quality habitats creation methods to compensate for habitats lost from within the development footprint, expand expansion of those within the designated sites and relate to the wider landscape and enhance ecological networks including those within the Forest Plan.

12. Recreational displacement must be carefully managed recognising existing informal access. Management arrangements to legally secure short and long term objectives for amenity and biodiversity including heathland, woodland, acid grassland and protected species*.

1. Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

We welcome the insertion of legally, though to be consistent with the Restoration aim, *woodland* should be excluded from this particular Development Consideration.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We suggest alteration to “Recreational displacement must be carefully managed recognising existing informal access. Management arrangements to legally secure short and long term objectives for amenity and biodiversity including heathland, woodland, acid grassland and protected species*.

17. Specialist soil handling, management, and monitoring is required to ensure restoration to heathland habitats.

1 .Do you consider this/these modification(s):

Legally compliant (prepared in accordance with legislation) Yes No

Sound (fit for purpose) Yes No

2. If you do or do not consider the above modification(s) to be legally compliant and/or sound, please explain your reasons for this:

Unsound. There is requirement to restore high quality heathlands that support heathland species.

The Soil Handling Strategy estimated “*silt content would average 5% of the recoverable mineral reserve*”. The applicant’s website indicates “*50,000 tonnes of clay waste*”. Clay and silt cannot be used in heather restoration, it fails to retain heather, can only deliver “low quality” (at best) and fails to provide habitat for typical heathland species. As Jacob’s Technical Memorandum has confirmed “*if clay is used, it could reduce infiltration and alter post restoration hydrology*”. Silt is mobile causing damage to adjacent heath habitats, and species, via enrichment and smothering.

The removal and environmental impact of moving such waste need to be included e.g. as a Development Consideration.

3. Please set out the changes you think are needed to make this modification(s) legally compliant and sound, in respect to the issues you have raised in Question 2. It will be helpful if you are able to put forward your suggested revised wording. Please be as precise as possible

We suggest adding “off-site disposal of waste clay and silt is required to ensure no impact on current, potential and adjacent habitats.”

Additional.

Please indicate in Development Considerations the explanatory HRA footnote “*The Asterisk denotes that development cannot be permitted if it may negatively affect the integrity of International protected sites and the development requirements for maintaining this integrity must be addressed*”.

About You

Is this your own personal response or on behalf of an organisation or group?

This is a personal response

This response is on behalf of an organisation or group

If this response is on behalf of an organisation or group, please tell us a little more about yourself and the organisation you are responding on behalf of:

Please note: anonymous or confidential representations cannot be accepted.

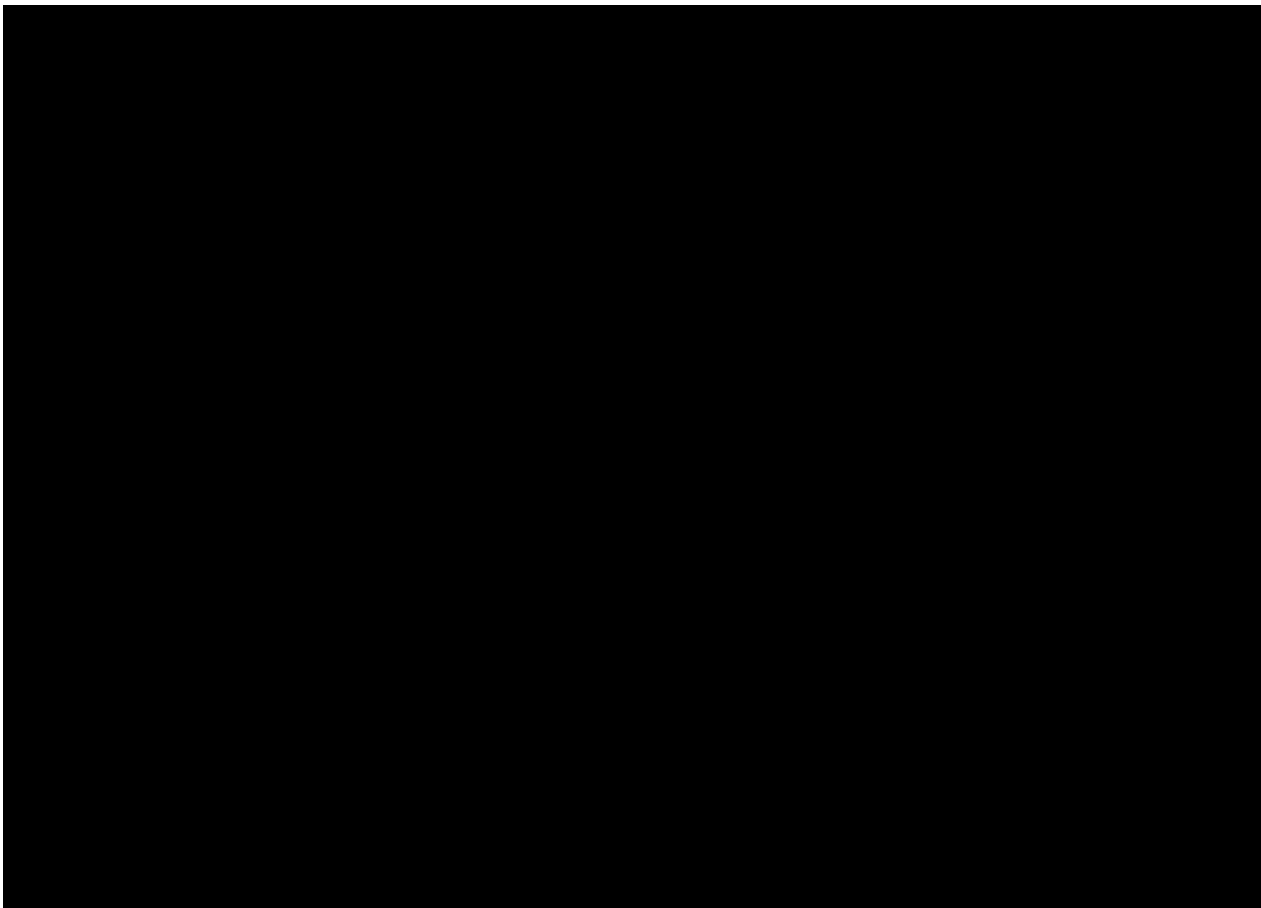
The full name of your organisation or group (required)	Amphibian and Reptile Conservation
The full address of your organisation or group (required)	Amphibian and Reptile Conservation, 744 Christchurch Road, Bournemouth, Dorset, BH7 6BZ
Your full name (required)	██████████
Your position in the organisation or group (required)	Reptile Conservation Officer
Contact email address (optional)	████████████████████

Do you wish to be informed:

When the examination recommendations are published Yes No

When the Plan has been adopted Yes No

Of future minerals and waste policy work Yes No



We hope our comments are useful. ARC are willing to engage in further discussion if that could be helpful in resolving any of the issues raised above.

Yours sincerely,



Reptile Conservation Officer
Amphibian & Reptile Conservation.